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COMES NOW PLAINTIFF, SCHENKER INC. ("plaintiff") and files this Notice of Settlement and Request for 240-Day Conditional Dismissal as follows:

NOTICE OF SETTLEMENT

Plaintiff and defendant MOLLICOOLZ, LLC ("defendant") have agreed to settle this lawsuit over an extended period beyond that initially contemplated in 2008. The parties' settlement should be funded in full by April 1, 2009.

REQUEST FOR CONDITIONAL DISMISSAL

Plaintiff requests the Court Order the case conditionally dismissed for 240 days from November 6, 2008 to June 8, 2009 to permit the parties to execute their settlement (which is due to be funded completely by April 2009) and to conserve judicial resources. One prior Order of Conditional Dismissal for 120 days was signed on November 6, 2008: the proposed Second Order of Conditional Dismissal will make the total period of the conditional dismissal 240 days.

LAW OFFICES OF GEORGE W. NOWELL Dated: 20 January 2009

> _/s/ John H. Cigavic III By: ____

> > JOHN H. CIGAVIC III Attorneys for plaintiff SCHENKER, INC.

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LAW OFFICES OF GEORGE W. NOWELL

120 Montgomery Street, Suite 1990 San Francisco, CA 94104 Phone: (415) 362-1333 Fax: (415) 362-1344

[PROPOSED] SECOND ORDER

GOOD CAUSE APPEARING in plaintiff SCHENKER, INC.'s request for a 240-day conditional dismissal (240 days total, from the date of this Court's first Order of Conditional Dismissal dated November 6, 2008):

IT IS HEREBY ORDERED that this case be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within 240 days of November 6, 2008, on or before June 8, 2009, with proof of service of a copy thereof on opposing counsel, that the agreed consideration for said settlement has not been delivered over, the foregoing Order shall stand vacated and this case shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: January 23, 2009

Prepared by:

Dated: 20 January 2009

UNITED STATES DISTRICT COURT

NORTH IT IS SO ORDERED

FORNIA

By:

Judge Vaughn R Walker

GEORGE SW. R. OWELL

By: /s/ John H. Cigavic III

JOHN H. CIGAVIC III

Attorneys for plaintiff
SCHENKER, INC.